



1 3993 Howard Hughes Parkway, Suite 600
 2 Las Vegas, NV 89169-5996
 3 Facsimile (702) 949-8321
 4 Telephone (702) 949-8320

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5 Susan M. Freeman AZ State Bar No. 004199
 6 Email: sfreeman@lrlaw.com
 7 Rob Charles NV State Bar No. 006593
 8 Email: rcharles@lrlaw.com

9 Attorneys for USACM Liquidating Trust

10 **UNITED STATES BANKRUPTCY COURT**
 11 **DISTRICT OF NEVADA**

12 In re:

13 USA COMMERCIAL MORTGAGE COMPANY,
 14 USA CAPITAL REALTY ADVISORS, LLC,
 15 USA CAPITAL DIVERSIFIED TRUST DEED FUND,
 16 LLC,

17 USA CAPITAL FIRST TRUST DEED FUND, LLC,

18 USA SECURITIES, LLC,

Debtors.

19 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

20 Case No. BK-S-06-10725-LBR
 21 Case No. BK-S-06-10726-LBR
 22 Case No. BK-S-06-10727-LBR
 23 Case No. BK-S-06-10728-LBR
 24 Case No. BK-S-06-10729-LBR

25 **CHAPTER 11**

26 Jointly Administered Under
 Case No. BK-S-06-10725 LBR

**Objection Of The USACM Liquidating Trust
 To Robert C. and Patsy G. Toombes's Claim
 Asserting Secured Status**

Hearing Date: October 15, 2007
 Hearing Time: 9:30 a.m.

27 Robert C. and Patsy G. Toombes filed Proof of Claim No. 10725-02558 against
 28 USA Commercial Mortgage Company ("USACM"). The Proof of Claim asserts a secured
 29 claim. The USACM Liquidating Trust (the "USACM Trust") hereby objects to Robert C.
 30 and Patsy G. Toombes's assertion that the claim is secured by a valid lien on USACM
 31 property and moves this Court, pursuant to 11 U.S.C. § 502 and Rule 3007 of the Federal
 32 Rules of Bankruptcy Procedure, for an order reclassifying Claim No. 10725-02558 as a
 33 general unsecured claim. The USACM Trust is not, by this filing, objecting at this time to
 34 any of the claims as unsecured claims or on grounds that the claims were untimely filed,
 35

1 but reserves the right to do so. The basis for this Objection is fully explained in the
2 USACM Liquidating Trust's Motion for Summary Judgment Regarding (1) Responses to
3 the USACM Trust's First through Thirty-Third Omnibus Objections to Claims Asserting a
4 Secured Status; (2) Responses to the USACM Trust's First through Third Omnibus
5 Objections to Claims Asserting a Priority Status; And (3) Newly Alleged Secured And
6 Priority Claims (the "Motion"), filed today. The USACM Trust will serve a copy of the
7 Motion with this objection.

8 Dated: July 30, 2007.
9

10 **LEWIS AND ROCA LLP**

11 By: /s/ RC (#6593)

12 Susan M. Freeman, AZ 4199 (*pro hac vice*)

13 Rob Charles, NV 6593

14 John Hinderaker, AZ 18024 (*pro hac vice*)

15 3993 Howard Hughes Parkway, Suite 600

16 Las Vegas, Nevada 89169-5996

17 Facsimile (702) 949-8321

Telephone (702) 949-8320

Email: RCharles@LRLaw.com

Counsel for USACM Liquidating Trust